

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

Bill No. 06-30

Introduced by: Council Member Chenoweth

Legislative Day No. 06-22 Date: August 1, 2006

AN ACT to repeal and reenact, with amendments, Subsection C(8), of Section 267-39, B1, B2 and B3 Business Districts, of Article VI, District Regulations; to repeal and reenact, with amendments, Section 267-49, Housing for the elderly, of Article VII, Design Standards for Special Developments, all of Part 1, Standards; and to repeal and reenact, with amendments, Table I: Principal Permitted Uses for Specific Zoning Districts: Residential: Planned Residential Development, all of Chapter 267, Zoning, of the Harford County Code, as amended; to permit housing for the elderly in the B2 District as a special development; and generally relating to housing for the elderly.

By the Council, August 1, 2006

Introduced, read first time, ordered posted and public hearing scheduled

on: September 5, 2006

at: 6:15pm

By order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 5, 2006, and concluded on September 5, 2006.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

1 Section 1. Be It Enacted By the County Council of Harford County, Maryland, that
2 Subsection C(8), of Section 267-39, B1, B2, and B3 Business Districts, of Article VI,
3 District Regulations, of Part 1, Standards, be, and it is hereby, repealed and reenacted,
4 with amendments, that Section 267-49, Housing for the elderly, of Article VII, Design
5 Standards for Special Developments, of Part 1, Standards, be, and it is, hereby, repealed
6 and reenacted, with amendments, and that Table I: Principal Permitted Uses for Specific
7 Zoning Districts: Residential: Planned Residential Development, be, and it is hereby,
8 repealed and reenacted, with amendments, all of Chapter 267, Zoning, of the Harford
9 County Code, as amended, all to read as follows:

10 Chapter 267. Zoning.

11 Part 1. Standards.

12 Article VI. District Regulations.

13 Section 267-39. B1, B2 and B3 Business Districts.

14 C. Specific regulations. The following uses are permitted in each business district,
15 subject to the additional requirements below:

16 (8) Housing for the elderly in the B2 AND B3 [District] DISTRICTS when
17 developed in accordance with Article VII.

18 Article VII. Design Standards for Special Developments.

19 Section 267-49. Housing for the elderly.

20 A. Eligibility. Housing for the elderly shall have the following eligibility
21 requirements:

22 (1) In the B2, B3 and CI Districts, the minimum lot size shall be 10 acres. In the R1,
23 R2, R3, R4, VR and VB Districts, the minimum lot size shall be 4 acres.

1 (2) Where such a project cannot be served by public water supply and public sewage
2 disposal systems, water supply and sewage disposal adequate to meet the needs of the
3 residents shall be provided in a system approved by the County Health Department.

4 B. Development standards.

5 (1) Permitted uses. The accessory uses permitted in a housing-for-the-elderly project
6 may include convenience goods stores, personal services, professional services,
7 restaurants, health services and medical clinics. Common activity areas, including the
8 above uses, and other areas serving the collective needs of the residents shall not exceed
9 100 square feet per dwelling unit. Permitted housing types shall include townhouse
10 dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings
11 and mid-rise apartment dwellings.

12 (2) Density. The maximum density shall be 7 units per gross acre in R1 and R2
13 Districts, 14 units per gross acre in the R3, R4, B2, B3 and CI Districts and 5 units per
14 acre in the VR and VB Districts. In the AG/MO District, the maximum density shall be
15 14 units per gross acre. No more than 300 units shall be permitted in any such project.

16 (3) Site design.

17 (a) The project shall be designed with regard to soils, topography and natural and
18 historic features of the parcel.

19 (b) All residential structures shall be sited so as to promote privacy and security and
20 to ensure natural light for all living areas.

21 (c) Buildings near the periphery of the project shall be harmonious with
22 neighborhood areas and shall provide adequate transition in density and type or shall

1 provide a buffer yard as required in § 267-28C. In the [CI and B3] B2, B3 AND CI
2 Districts, a buffer yard 20 feet wide shall be provided.

3 (d) No building shall be located within 10 feet of the private road right-of-way and
4 parking areas.

5 (e) Business uses in housing for the elderly shall be designed with their primary
6 orientation to the project and integrated with the dwelling units consistent with the needs
7 of the future residents. Business uses shall occur within completely enclosed buildings.

8 No freestanding signs advertising business uses shall be permitted.

9 (4) Vehicular circulation and access.

10 (a) The project roads shall be designed to provide a logical road network adequate for
11 internal movement.

12 (b) The project must be directly accessible from one or more existing or planned
13 arterial, collector or primary residential roads.

14 (c) Particular attention shall be given to providing safe conditions for both pedestrian
15 and vehicular movements.

16 (d) Adequate access shall be provided for emergency vehicles and personnel.

17 (e) Internal roads may be designed and constructed as private roads in accordance
18 with the private road standards established in the Harford County Subdivision
19 Regulations.

20 (5) Open space. The open space shall be generally continuous, accessible to the
21 residents and protective of natural features. At least 50% of the total parcel area shall be
22 in open space.

1 (a) Recreational facilities. Adequate recreational facilities shall be constructed in
2 each phase of development to meet the needs of the residents. The developer shall
3 provide a schedule for the installation of the facilities at the time the project is approved.

4 (b) The active recreation space shall be a minimum of one-half acre and may include
5 indoor and outdoor facilities designed to provide opportunity and encouragement for
6 physical activity. The required active open space may be reduced by the Zoning
7 Administrator based upon the specific program proposed by the developer.

8 (6) Minimum conditions and covenants regarding age restrictions:

9 (a) The following conditions and covenants are required, at a minimum, to be
10 contained in deeds of covenants, conditions and restrictions to be recorded at the time
11 that a plat for the housing for the elderly development is recorded:

12 (1) The project is intended to constitute housing intended and operated for occupancy
13 by at least one person 55 years of age or older per unit, to the extent required by the
14 Housing for Older Persons Act of 1995 and Section 807(b)(2)(C) of the Fair Housing Act
15 (42 U.S.C. 3607(b)(2)(C)) (the "Fair Housing Act").

16 (2) Subject to the provisions of paragraph (6) below, and exceptions otherwise
17 authorized and approved by the Board, each unit must be occupied by at least one
18 resident who is 55 years of age or older.

19 (3) Residents under 19 years of age or younger are not permitted unless such person
20 is (i) necessary to provide a reasonable accommodation to a handicapped resident, or (ii)
21 is a handicapped dependent of a resident, only to the extent permitted and/or required by
22 the provisions of the Fair Housing Act.

1 (4) Guests of owners or residents who are under 19 years are permitted to stay in the
2 unit for periods of time not to exceed a total of 60 calendar days for each such guest in
3 any one calendar year (with each calendar year being measured from January 1 through
4 December 31 of any given year).

5 (5) Nothing contained herein shall be deemed to prohibit the daily visitation by
6 persons not otherwise permitted to occupy a unit (including persons under 19 years of age
7 who are family members or guests of the owner or occupant of a unit), provided such
8 visitation shall not be for a period of more than 72 continuous hours.

9 (6) Subject to the provisions of the Fair Housing Act, a surviving spouse of an owner
10 or resident who was 55 years of age or older may retain the occupancy of the unit without
11 regard to the age of the surviving spouse; provided, however, that the continued
12 occupancy of the surviving spouse does not violate the requirements of the Fair Housing
13 Act that at least 80% of the units be occupied by a person who is 55 years of age or older.
14 In the event that less than 80% of the units are occupied exclusively by persons who are
15 55 years of age or older, the owners or residents may be required by the entity named in
16 the covenants and restrictions as having such authority (hereinafter referred to as "the
17 Board") to vacate the units in order to comply with the requirements of the Fair Housing
18 Act. In the event that the Board requires that an owner or resident vacate their unit, the
19 owner or resident must vacate within 180 days from the date of death or permanent
20 absence of the qualifying 55-year-old owner or resident.

21 (7) The Board shall have the authority to adopt such rules and regulations as it may
22 deem necessary or desirable to implement the foregoing restrictions and to ensure that the
23 property otherwise complies with the Fair Housing Act and any corresponding state or

1 local law or ordinance (and any regulations promulgated thereunder). In the event that the
2 exemptions relating to "housing for older persons" under the Fair Housing Act or any
3 state or local law or ordinance, as applied to the property, shall be modified, expanded,
4 supplemented, clarified, defined, explained and/or limited, the Board shall have the
5 authority to adopt rules and regulations modifying such restrictions to the extent deemed
6 necessary or desirable by the Board in response thereto; provided, however, that no such
7 rule or regulation shall cause or allow the property to no longer qualify for exemption
8 under the Fair Housing Act or any state or local law or ordinance without the express
9 prior written consent of the declarant.

10 (8) Each owner or occupant of a unit, if and when requested to so do by the Board,
11 shall promptly furnish the Board with the names and ages of all occupants of the unit and
12 shall complete and submit such affidavits and other documents as the Board may
13 reasonably request to verify the age of all unit occupants.

14 (b) In order to modify any of the conditions contained in Subsection B(6) herein, the
15 entity designated in the covenants and restrictions as having such authority must receive
16 the written approval of Harford County. Any such modification must be recorded in the
17 land records of Harford County, Maryland, to be effective.

18 C. Specified design requirements.

19 (1) Front, rear and side yards and maximum height shall be as shown on Table VII,
20 Design Requirements for Specific Uses/R4 Urban Residential District for residential:
21 PRD.

1 (2) The project design shall be compatible with residential uses in the neighborhood.
 2 Evaluation of the compatibility shall be based upon height, facade, building bulk and
 3 architectural features of the project and of the neighborhood.

4 (3) Distance between building blocks. The following minimum distances are
 5 established for townhouses, patio/court/atrium, multiplexes, garden and mid-rise
 6 apartment buildings as follows:

7	8
9 <u>Building Block Walls</u>	<u>Distance Between Building Blocks (feet)</u>
10	
11 Blank end wall to blank wall	20
12	
13 Blank end wall to window wall	30
14	
15 Window wall to window wall	55 or a distance equal to sum
16	of the height of the 2 buildings,
17	whichever is greater

18 (4) Maximum building coverage. The maximum building coverage shall be as
 19 follows:

21 <u>Dwelling Types</u>	<u>Maximum Building Coverage</u>
22	(percent of total lot)
23	

HARFORD COUNTY BILL NO. 06-30

Brief Title Housing for The Elderly in B2 District
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date September 5, 2006

ENROLLED
Robert J. Hauger
Council President

Date September 5, 2006

BY THE COUNCIL

Read the third time.

Passed: LSD 06-23

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6th day of September, 2006 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Carey
COUNTY EXECUTIVE

APPROVED: Date September 11, 2006

BY THE COUNCIL

This Bill No. 06-30, having been approved by the Executive and returned to the Council, becomes law on September 11, 2006

EFFECTIVE DATE: November 10, 2006

Barbara J. O'Connor
Barbara J. O'Connor, Council Administrator

1	Patio/court/atrium, townhouse	40%
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2 and multiplex

3

4	Garden and mid-rise apartments	30%
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5 (5) Impervious surface ratio. The maximum impervious surface for any housing-for-
6 the-elderly project shall not exceed 50% of the total parcel area.

(6) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or mid-rise apartment is limited to 50 feet in the R1 and R2 Zone and 60 feet in R3, R4, AG/MO and CI Zones.

(7) Signs. Entrance signs shall conform with the provisions for permanent residential entrance or development project signs as contained in the Sign Code.

13 Section 2. And Be It Further Enacted, That this Act shall take effect 60 calendar days
14 from the date it becomes law.

EFFECTIVE: November 10, 2006

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

Barbara J. O'Connor
Council Administrator

Table I:
Principal Permitted Uses for Specific Zoning Districts:

Amended by Bill Nos. 82-54; 83-75; 84-37; 87-22; 88-85; 88-87; 94-10; 97-12; 98-36; 05-39

RESIDENTIAL: Planned Residential Development

USE CLASSIFICATIONS		ZONING DISTRICTS															
RESIDENTIAL: Planned Residential Development	AG	RR	R	R1	R2	R3	R4	R O	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single Family detached dwellings						SD	SD										
Lot-line dwellings						SD	SD										
Semi-detached dwellings						SD	SD										
Duplex dwellings						SD	SD										
Patio/court/atrium dwellings						SD	SD										
Townhouse dwellings						SD	SD										
Multiplex dwellings						SD	SD										
Row duplex dwellings						SD	SD										
Garden apartment dwellings*						SD	SD										
Mid-rise apartment dwellings						SD	SD/SE										
High-rise apartment dwellings							SE										
Mobile home subdivisions/mobile home parks						SD	SD										
Mobile homes						SE	SE										
Housing for the elderly*	SE				SD	SD	SD		SD	SD				SD	SD		
Carriage court units						SD	SD										
Residential: CCRC*	SE			SD	SD	SD	SD							SD			

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to § 267-27.